

#443
BILL NO. Z-91-05-25

1 ZONING MAP ORDINANCE NO. Z-

08-92

2 AN ORDINANCE amending the City of
3 Fort Wayne Zoning Map No. E-2.

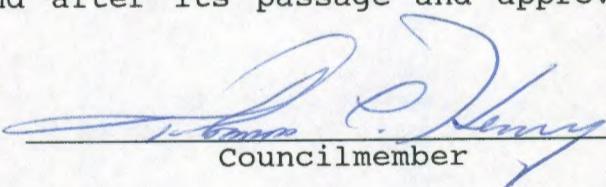
4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated an B-3-B (General Business) District under
8 the terms of Chapter 33 of the Code of the City of Fort
9 Wayne, Indiana of 1974:

10 The North 468.0 feet of the East 80.0 feet of the West
11 2286.0 feet of the Northeast Quarter of Section 7,
12 Township 30 North, Range 12 East, Allen County, Indiana

13
14 and the symbols of the City of Fort Wayne Zoning Map No. E-
15 2, as established by Section 11 of Chapter 33 of the Code of
16 the City of Fort Wayne, Indiana are hereby changed
17 accordingly.

18 SECTION 2. That this Ordinance shall be in full force
19 and effect from and after its passage and approval by the
20 Mayor.


21 J. C. Henry
22 Councilmember

23 APPROVED AS TO FORM AND LEGALITY:

24 
25 J. TIMOTHY McCaulay, CITY ATTORNEY

26
27
28
29
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32

Read the first time in full and on motion by Rexy
seconded by Qudd, and duly adopted, read the second time by
title and referred to the Committee on Legislative (and the
City Plan Commission for recommendation) and Public Hearing to be held af
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on 19, the 19, at 10 o'clock AM, E.S.T.

DATED: 5-18-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Edmonds
seconded by , and duly adopted, placed on its passage
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EDMONDS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LUNSEY</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>RAVINE</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 8-25-92

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-08-92
on the 25th day of August, 1992

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Sandra E. Kennedy
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 26th day of August, 1992,
at the hour of 1:30 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of August,
1992, at the hour of 6:00 o'clock PM, E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 10832

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.,

4-16 1991

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

BN BR Properties Corp 100.00

One hundred & 68/100 DOLLARS

PAID BY: CASH CHECK M.O.

AUTHORIZED SIGNATURE

Hart B

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. 16832DATE FILED 4-16-91

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATEI/We B.M.R.R. PROPERTIES CORP.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B1B/R-1 District to a/an B3B District the property described as follows:

(ATTACHED SURVEY)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5405 ILLINOIS RD.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

B.M.R.R. PROPERTIES CORP902 E. Gump Rd. 46845M.E. Byerley, Pres.(Name)(Address)(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

MICHAEL E. BYERLEY(Name)902 E. Gump Rd. 46845(Address & Zip Code)219 637 3924(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

OFFICE OF: **Joseph B. Stoody Jr. & Associates**

Registered Land Surveyor

P.O. Box 9683

Fort Wayne, Indiana 46899-9683

Joseph B. Stoody, Jr.

No. S-0144

Bruce A. Franke

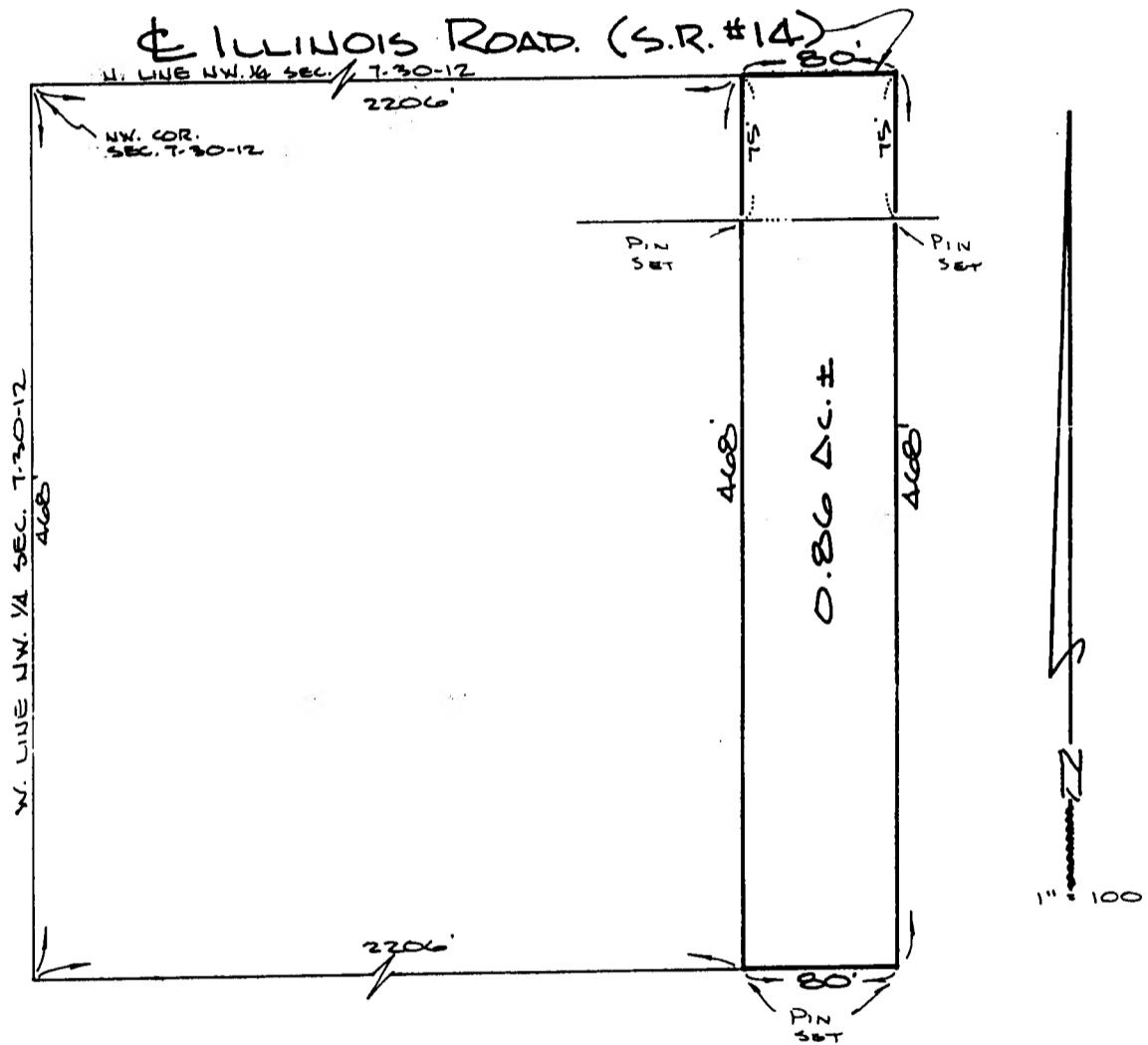
No. S-0467

The undersigned Land Surveyor, registered under the Laws of Indiana, hereby certifies that he has made a resurvey of the real estate described and shown below.

Measurements were made and monuments set in conformity with the records on file in the office of the Recorder of ALLEN County, Indiana and to the best of my knowledge accurately shown. Any encroachments or discrepancies are shown below.

NORTH
The **SOUTH** 468.0 feet of the East 80.0 feet of the West 2286.0 feet of the Northeast Quarter of Section 7, Township 30 North, Range 12 East, Allen County, Indiana.

Subject to the Right - of - way of Illinois Road.



Subject real estate lies in a "ZONE C" designation according to the "Flood Insurance Rate Map" for the City of Fort Wayne, Indiana, April 3, 1985.

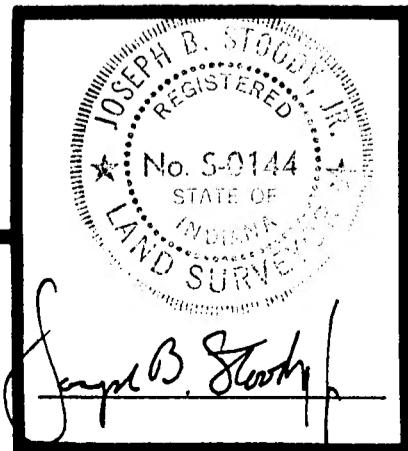
FOR: TRACEY - B.M.R.R. PROPERTIES CORP.

JOB NO. 9473

DATE 10 - 13 - 86

REVISED: 10/14/86

Revised: 11-7-86



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 28, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-05-25; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 20, 1991.

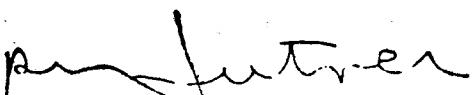
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1991.

Certified and signed this
5th day of August 1992.


Robert Hutner
Secretary

FACT SHEET

Z-91-05-25

BILL NUMBER

**Division of Community
Development & Planning**

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From B1B & R1 to B3B		

DETAILS

Specific Location and/or Address	5405 Illinois Rd
Reason for Project	To broaden the range of perspective tenants for this property.
Discussion (Including relationship to other Council actions)	<p><u>17 June 1991 - Public Hearing</u></p> <p>Mike Byerley, petitioner, appeared before the Commission. Mr. Byerley stated that he was requesting the rezoning in order to bring the approximately 150 foot of the rear of this property into the current zoning as that of the rest of the properties surrounding it. He stated that he also wanted the reclassification to broaden the range of perspective tenants for this property.</p> <p>Yvonne Stam questioned where the R-1 was located on the property to be rezoned.</p> <p>Larry Maglizzzi, Senior Planner with C&ED, stated that in researching this area last year they discovered that in comparing all of the legal descriptions for the area they came up with this sliver of land about 25 feet long on this property that had not been included in the descriptions. He stated that it was just an oversight of the past rezonings.</p> <p>David Long questioned if they had any current use for the property.</p>

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) BMRR Properties Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

Mr. Byerley stated that the structure is currently vacant and for rent. He stated most recently Tomkinson Motors showed interest in using the rear of half of the property to display some of their cars for sale. He stated that they have also had a veterinarian show interest in the structure.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

26 August 1991 - Business Meeting

Motion was made and carried to return the ordinance to the Common Council with a DO PASS recommendation with the following condition:

The petitioner(s) provide a recordable document, in a form acceptable to the Plan Commission's attorney, that grants a 40 foot wide ingress/egress easement across or through the property as needed to be used as a frontage road. The location and geometrics of such road shall be approved by the Street Engineering, Traffic Engineering and Community & Economic Development department.

Of the eight (8) members present, seven (7) voted for the motion, one (1) did not vote.

Motion carried.

NOTE: This ordinance has been held until the condition was satisfied. The document

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

was recorded on July 30, 1992.

Project Start

Date 16 April 1992

Projected Completion or Occupancy

Date 6 August 1992

Fact Sheet Prepared by

Date 6 August 1992

Patricia Biancaniello

Reviewed by

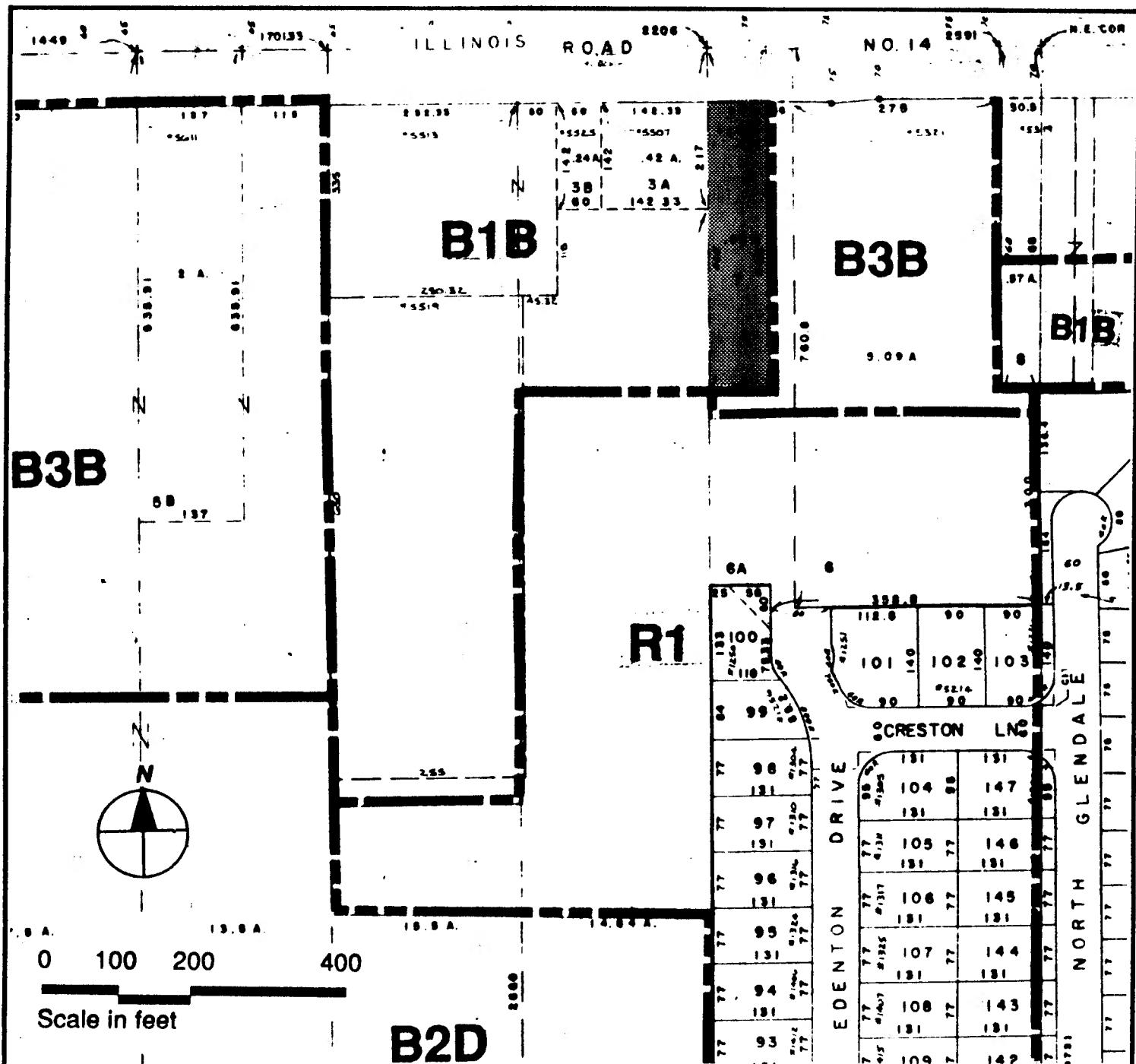
Date 6 AUGUST 1992

SM *Anska*
Reference or Case Number

REZONING PETITION

AREA MAP

CASE NO. #473



COUNCILMANIC DISTRICT NO. 4

Map No.: E-2
LW 4-24-91

R1	One-Family
R2	Two-Family
R3	Multi-Family
RA/RB	Residential
PUD	Planned Unit Dev.

B1	Limited Business
B2	Planned Shopping Center
B3	General Business
B4	Roadside Business
POD	Professional Office District

M1	Light Industrial
M2	General Industrial
M3	Heavy Industrial
MHP	Mobile Home Park

X473
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5405 Illinois Road

2-91-05-25

EFFECT OF PASSAGE Property is presently R-1 - Single Family Residential & B-1-B
Limite Business District. Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential &
B-1-B - Limited Business District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-91-05-25

REPORT OF THE COMMITTEE ON
REGULATIONS

CLETUS R. EDMONDS, CHAIR
MARK E. GIAQUINTA, VICE CHAIR
RAVINE, SCHMIDT

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort
Wayne Zoning Map No. E-2

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~X(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

C. R. Edmonds
Mark E. GiaQuinta
Ravine

DATED: 8-25-92.

Sandra E. Kennedy
City Clerk